

REMARKS

Claims 1-9, 11-15, 17-19, 21, 23-27, 29-31, and 33-35 are pending in the instant application. The Examiner has rejected claims 1-9, 11-15, 17-19, 21, 23-27, 29-31, and 33-35 under 35 U.S.C. §102(e) as being anticipated by Swanson (2002/0184111). Claims 1, 34, and 35 have been amended. The Applicants submit that claims 1-9, 11-15, 17-19, 21, 23-27, 29-31, and 33-35 are in condition for allowance and requests reconsideration and withdrawal of the outstanding rejections. No new matter has been entered.

Claim Rejections Under - 35 USC §102

Claims 1-9, 11-15, 17-19, 21, 23-27, 29-31 and 33-35 rejected under 35 U.S.C. 102(e) as being anticipated by Swanson (2002/0184111).

Applicants respectfully contend that the explanation in the Office Action mischaracterizes the teachings of Swanson. To anticipate a claim under 35 U.S.C. §102, a single source must contain all of the elements of the claim. *Lewmar Marine Inc. v. Barient, Inc.*, 827 F.2d 744, 747, 3 U.S.P.Q.2d 1766, 1768 (Fed. Cir. 1987), cert. denied, 484 U.S. 1007 (1988). Moreover, “[t]he identical invention must be shown in as complete detail as is contained in the ...claim.”

Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Missing elements may not be supplied by the knowledge of one skilled in the art or the disclosure of another reference. *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 780, 227 U.S.P.Q. 773, 777 (Fed. Cir. 1985).

It is respectfully submitted that Swanson does not contain all elements set forth in Applicants' claims 1, 34, and 35. Specifically, Swanson does not teach or disclose Applicants' claimed feature "wherein the bill of material for the product design can be edited to facilitate production planning processes for at least one of developing or manufacturing the product design". This claimed feature is described in greater detail on page 5, lines 9-17, and page 14, lines 1-6, of Applicants' disclosure.

Swanson discloses a system for providing an electronic catalog (e-catalog) for use in electronic commerce. More specifically, Swanson describes his invention as "providing a fully illustrated parts catalog showing all of the subassemblies for a product in an easy to read 3D

engineering drawing". (Swanson paragraph [0034]). Swanson fails to disclose editing an engineering drawing or bill of material to facilitate development and manufacture of a product design. Rather, Swanson's e-catalog is employed by users for the purpose of making product decisions (Swanson paragraphs [0034] and [0035]). Since Swanson is directed to selling available products to users who are not responsible for designing the products they are purchasing (Swanson paragraphs [0038] and [0041]), it would be illogical to provide users with the capability of changing a bill of material. On the other hand, Applicants' claimed system is applicable to designing and developing products before they are offered for sale in an e-catalog or otherwise.

Therefore, because Swanson does not disclose or teach the aforementioned elements of Applicants' claimed invention, Swanson cannot anticipate the Applicants' claims. Thus, claims 1, 34 and 35 are allowable, the rejections are improper, and they should be withdrawn.

In view of the above discussion, claims 2-9, depend from claim 1, whether directly or indirectly, and include all of the corresponding limitations thereof. Similarly, claims 11-15, 17-19 and 21 depend from claim 34, whether directly or indirectly , and include all of the corresponding limitations thereof. Likewise, claims 23-27, 29-31, and 33 depend from claim 35, whether directly or indirectly, and include all of the corresponding limitations thereof. Since claims 1, 34, and 35 are not taught by Swanson, claims 2-9, 11-15, 17-19, 21, 23-27, 29-31, and 33 cannot be taught by Swanson. Thus, claims 1-9, 11-15, 17-19, 21, 23-27, 29-31, and 33-35 are allowable, the rejections are improper and they should be withdrawn.

CONCLUSION

It is believed that the foregoing amendments and remarks fully comply with the Office Action and that the claims herein should now be allowable to Applicants. Accordingly, reconsideration and allowance is requested. It is submitted that the foregoing amendments and remarks should render the case in condition for allowance.

Accordingly, as the cited references neither anticipate nor render obvious that which the applicant deems to be the invention, it is respectfully requested that claims 1-9, 11-15, 17-19, 21, 23-27, 29-31, and 33-35 be passed to issue.

If there are any additional charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130.

Respectfully submitted,
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